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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,900	04/15/2004	Mark Thomas Eckert	200404	7578

7590 03/22/2005

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EXAMINER


GRAHAM, MATTHEW C

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)	
	10/824,900	ECKERT ET AL.	
	Examiner	Art Unit	
	Matthew C Graham	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1- 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crossman et al. (Crossman) in view of Van Horn.

Crossman shows a protective lug cap assembly for protection of a lug of a friction brake disc 22, wherein said disc has a periphery, and said disc has a plurality of circumferentially spaced slots 24, separating a plurality of circumferentially spaced lugs, wherein said slots are separated by a distance and disposed for engagement by a spline of a torque device, each of said arcuate slots having two generally radially extending wall portions, wherein said wall portions have a top, a bottom, and opposing sides, and a bottom surface extending between and interconnecting said wall portion bottoms comprising: a lug cap 10 having a lug cap

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facing edges, wherein said lug cap covers one of said slot wall portions and extends circumferentially away from said slot on said slot wall top and said slot wall opposing sides, covering a portion of the lug, and wherein said lug cap facing edges are a portion of the lug cap which covers said slot wall portion; a load bearing fastening device operative to fasten the lug cap to the lug, such that said lug cap does not contact said slot wall portion and the load is applied to the friction disc via the fastening elements 30 and no via the slot wall portion. See Figs 1 and 5 and column 3, line 59-column 4, line 14.

The claimed invention differs only in that the lugs have full faces. Van Horn shows lugs of the type claimed having faces 13. It would have been obvious to one of ordinary skill in the art to have utilized full faces on the lugs of Crossman in view of the teaching of Van Horn so as to provide a larger bearing surface for the splines as taught by Van Horn.


Re-claims 2-8, the relative dimensions and materials would have been obvious to one of ordinary skill in the art as a mere aspect of design consideration, such as to optimize performance.

Re-claim 9, Crossman shows rivets.

Re-claims 10-29, note the above discussion.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Krause et al and Bok et al. show lug caps.

5. Any inquiry concerning this communication should be directed to Matthew C Graham at telephone number 703-308-2570.


3/16/05
MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310